

REMARKS

Applicant has carefully studied the outstanding Official Action mailed on July 24, 2007. This response is intended to be fully responsive to all points of rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application are respectfully requested.

Claims 2 and 4 stand objected due to informalities. These informalities have been corrected by appropriate amendment.

Claims 1-7 stand rejected under 35 USC §103(a) as being unpatentable by Garfield et al. (US 6816744) in view of Borkan (US 6662053), further in view of Fuchs (US 5747996).

Regarding Borkan, Examiner states:

Borkan teaches that the position of EMG sensors (Col.5: 1-22) are determined to further determine the position of simulator electrodes, wherein the position is determined and displayed in conjunction with other pertinent data (Col.2: 30-33; Col.3: 1-14) as the result of processing by a processor 20 to ensure the proper positioning of the simulator electrodes for the desired application or use (Col.8: 52-57; Col.10: 9-21). |

This is respectfully traversed. Borkan does not teach displaying the position of the simulator electrodes in conjunction with other pertinent data. Rather a careful reading of Borkan reveals that Borkan displays the position of the electrodes alone and not in conjunction with any thing else.

Quoting col. 2, 19-33: “Also, the stimulator may measure physical or physiological parameters and modifies the stimulation pulse for each electrode defined by the parameter data as a function of the measured parameters. The measured parameters may include one of the following: EMG, EKG, or EEG measurements. The measurement circuit may include chemical or biochemical sensors. The stimulator includes a signal input and modifies the stimulation pulses as a function of input signals on the signal input. The input signals may include processed audio or visual signals. The stimulator may determine the position of the electrode from the measured parameters and modifies the stimulation pulses as a function of the determined position. A display is provided for showing the determined position.”

Col. 3, 1-14: “Additionally, the relative position of the electrodes to the desired tissue to be stimulated may be determined using the measured parameters. The determined electrode's relative position may be displayed. The display may show overlays of an image

of the desired electrode position and/or movement on an x-ray or fluoroscopic image. The system provides feedback to a physician as the electrode is moved in real time.”

Col. 5, 10-21: “Additionally, the relative position of the electrodes to the desired tissue to be stimulated may be determined using the measured parameters. The stimulation pulses may be modified as a function of the relative position. The measuring may include EMG measurements of specific muscles. The stimulation pulses are modified to determine the relative position of one or more of the individual electrodes. The determined electrode's relative position may be displayed. The display 27 may show overlays an image of the desired electrode position and/or movement on an x-ray or fluoroscopic image. The system provides feedback to a physician as the electrode is moved in real time.”

In all of the above, it is clear that Borkan exclusively displays the electrode position; not the electrodes together with something else. Even in col. 5, it is the movement of the electrodes which is displayed, that is, successive positions of the electrodes, and no other parameters.

(In addition, it should be pointed out once again for the record that Garfield et al. is talking about vector components and directions of the potential. This has nothing to do with position and spatial information.)

Accordingly, the combination of Garfield et al., Borkan and Fuchs does not teach or contemplate utilizing the position sensor to provide an output and display of said electrical muscular activity signals and their three-dimensional positions at the same time, as claimed in the instant application.

Accordingly, claims 1-7 are deemed allowable.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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